

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

NETLIST, INC.,)
)
Plaintiff,) Case No. 2:22-cv-203
)
vs.)
) May 30, 2023
)
MICRON TECHNOLOGY, INC.,)
MICRON SEMICONDUCTOR) 2:02 p.m.
PRODUCTS INC., MICRON)
TECHNOLOGY TEXAS LLC,)
) Marshall, Texas
Defendants.)

TRANSCRIPT OF MOTION HEARING
BEFORE THE UNITED STATES
MAGISTRATE JUDGE ROY S. PAYNE

APPEARANCES:

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2 by computer-aided transcription.

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4 THE COURT: Good afternoon. Please be
5 seated.

6 For the record, we're here for the motion
7 hearing in *Netlist v. Micron Technology, et al.*,
8 Case No. 2:22-203 on our docket.

9 Would counsel state their appearances for the
10 record?

11 MR. SHEASBY: Your Honor, Jason Sheasby and
12 Yanan Zhao for Netlist.

13 Mr. Baxter is upstairs with Judge Gilstrap,
14 and he asked permission that he be allowed to not attend
15 today.

16 And Ms. Truelove had to leave for an
17 obligation.

18 THE COURT: All right. I understand that.
19 And that's fine, Mr. Sheasby.

20 Thank you.

21 MR. HILL: Good afternoon, your Honor.
22 Wesley Hill and Mike Rueckheim on behalf of the Micron
23 defendants.

24 THE COURT: All right.

25 MR. HILL: And we're ready for our hearing.

1 THE COURT: Thank you, Mr. Hill.

2 It is the plaintiff's motion, so I'll turn it
3 over first to counsel for plaintiff.

4 MR. SHEASBY: Your Honor, there are two
5 motions that are pending. One relates to technical
6 documents. One relates to financial documents. There's
7 just in the last minute been a late breaking resolution
8 of the technical document motion. Literally, it
9 happened five seconds before you came onboard. And I
10 can recite that into the record, with your Honor's
11 permission.

12 THE COURT: All right. I'm willing to donate
13 another five seconds, if it will take care of the other
14 one.

15 MR. SHEASBY: Yes, your Honor.

16 So the outstanding issue on the technical
17 motions was they have agreed to search for and produce
18 all third-party technical documents relating to the
19 components and the modules.

20 There was an ambiguity about what it means
21 for all simulation data that needed to be produced. And
22 we understand their concern about that and to obviate
23 it, we flagged testing, evaluation, and simulation data
24 in RFPs 23, 27, 39, 52, and 68. And there's been a
25 commitment by Micron to produce in response to that --

1 to do searches for those -- within those categories and
2 produce.

3 THE COURT: So in your joint notice that was
4 filed recently -- yesterday, I guess -- there was
5 indication as to what remained -- what -- what part of
6 that is affected by this agreement.

7 MR. SHEASBY: So the beginning of it lists
8 Nos. 1, 2, and 3. And Nos. 1 and 2 are resolved by the
9 resolution I just recited.

10 THE COURT: All right.

11 MR. SHEASBY: And, your Honor, my colleague
12 Ms. Zhao is going to handle the financial issues.

13 I would ask one point of permission, which is
14 Judge Gilstrap wanted me to appear again in front of him
15 at 2:30.

16 If the hearing's not over, do I have your
17 permission to exit at 2:25 so that I can make that
18 appearance?

19 THE COURT: You certainly do, Mr. Sheasby.

20 MR. SHEASBY: Thank you, your Honor.

21 THE COURT: I wouldn't want to deprive the
22 chief of the pleasure of your company.

23 MR. RUECKHEIM: Your Honor, if I can --
24 Mike Rueckheim on behalf of Micron. And just with
25 respect to the resolution, I want just to throw in the

1 caveat -- and I hate doing this, as I'm sure your Honor
2 might feel the same way -- just to throw in the caveat
3 of proportional and relevant. And I think Mr. Sheasby
4 said we're going to produce all documents relating to
5 third-party technical features for these products. And,
6 of course, we're looking at certain patents here, but
7 maybe that's where the -- you know, the devil is in the
8 details. And we produced a lot of these already, and
9 I'm sure we can meet and confer further, if Netlist has
10 an issue with what we've produced as far as sufficiency.

11 MR. SHEASBY: Well, I can make this easy.
12 It's -- the third-party chips are for the distributed
13 buffer, for the PMIC, for the SPD, and for the RCD.

14 THE COURT: All right. Well, I'll note both
15 sides' comments on that and hope that it resolves it
16 all.

17 Let me see.

18 Ms. Zhao, do you want to address what
19 remains?

20 And remind me, again, how to make sure I
21 pronounce your last name right.

22 MS. ZHAO: That's right. You did it
23 perfectly.

24 THE COURT: All right.

25 MS. ZHAO: Zhao. Thank you, your Honor.

1 I think we laid out most of this in the
2 status report, but the main focus of this discussion as
3 of today is we have received no production of documents
4 regarding any sales, financials --

5 THE COURT: And will you pull the microphone
6 toward you?

7 Thank you. That will help.

8 MS. ZHAO: Is this better?

9 THE COURT: Yes.

10 MS. ZHAO: Thank you.

11 So we've received no single production of
12 those types of documents, including sales, financials,
13 or marketing materials. We understand that Micron on
14 Friday last week provided supplemental interrogatory
15 responses that listed certain stock information for its
16 products. We believe there's missing some HBM product
17 information, but even -- it covers all of the types of
18 products accused in this case, but supplemental rog
19 responses does not give us the complete answer to the
20 outstanding issues.

21 For example, we don't have sales records. We
22 don't have the native files to verify the information
23 provided. And we don't have -- based on the rog
24 responses, it appears that Micron only provided
25 information of sales they believe are the U.S. sales,

1 shipment to the U.S. states. But we need additional
2 documents and information to verify whether a specific
3 sale occurred in the United States or not to decide
4 whether it's proper damages bases for our case.

5 So we listed in our motion -- some of them
6 basically -- exact -- the same wording of our request
7 letter as to the specific information we're requesting
8 for production. So I may direct your Honor to our
9 motion on Page 1. As of today, we haven't received
10 anything with respect to the Item Nos. 2, 3, 4, and 6.
11 And there's some information provided in the rog
12 responses with respect to Item 1, but it's not complete.
13 For example, there's no information showing Micron
14 employees involved, where those employees are located,
15 and the specific documents showing pricing of those
16 products and the shipment records that's relevant for us
17 to decide where the sales actually occurred.

18 THE COURT: All right. I'm looking at your
19 Category 1 on Page 1 of your motion, which is
20 Document 73.

21 What part of that do you contend has not been
22 satisfied?

23 MS. ZHAO: To be clear, we received no
24 document production. So we should get document
25 production for all of the requested information. Some

1 of them -- and some information in the rog responses
2 supplied the information, but we still need the
3 documents to verify them.

4 But specifically here we have no information
5 regarding the revenue, the final -- sorry -- excuse
6 me -- the country from which the product shipped, cost
7 of goods sold, margin, the location of the customer and
8 Micron employees that negotiated the sales.

9 THE COURT: All right. So those four items
10 you just mentioned are the primary items that are
11 missing in terms of document production?

12 MS. ZHAO: That's the information we need and
13 not supplied by the rog responses.

14 THE COURT: And how would that be identified?

15 MS. ZHAO: We believe if Micron produces the
16 native sales files, that potentially can give us answer
17 to some of those questions, but we just haven't seen it.

18 THE COURT: Are the interrogatory responses
19 attached to your motion?

20 MS. ZHAO: No, your Honor. I'm sorry. There
21 is a page limit. And we only received the rog responses
22 last Friday. So it was after the motion was filed. But
23 I'm happy to provide your Honor a copy, if you'd like to
24 see it.

25 THE COURT: Well, I have found over the years

1 that if we're not very specific, we don't get a
2 resolution. So I am just trying to see what I can look
3 at to know, so that when I hear from the defendants,
4 there'll be specificity about what is in and what is
5 out.

6 MS. ZHAO: And let me clarify for your Honor.
7 So we need all of the native sales documents for the
8 Item 1. And we also need supplemental rog responses as
9 to information from the -- the fourth line starting at
10 the country from which the product is shipped.

11 THE COURT: The cost of goods sold, margin,
12 and the location of the customer.

13 MS. ZHAO: That's right, your Honor.

14 THE COURT: All right. And you mentioned you
15 need certain native files.

16 Which ones are those?

17 MS. ZHAO: Their sales records.

18 THE COURT: The sales records. Is that what
19 you said?

20 MS. ZHAO: Yes, your Honor.

21 THE COURT: And what is it that you're
22 seeking by way of a supplemental interrogatory response?

23 MS. ZHAO: Sorry. The -- from -- the
24 information about where the country of the products
25 shipped. We can take either -- yeah. If Micron

1 supplements interrogatory responses with respect to that
2 information, that will be responsive to our rog requests
3 as well.

4 THE COURT: All right. So you're saying that
5 can be either document production or a supplemental
6 interrogatory response?

7 MS. ZHAO: I would say we need both. And the
8 native files is helpful to verify the information
9 provided.

10 THE COURT: All right. So whether we're
11 talking document production or interrogatory response,
12 it is the four items you mentioned that are in the
13 middle of Paragraph 1 there that you say are at issue on
14 this first category?

15 MS. ZHAO: Yes, your Honor.

16 THE COURT: Okay. Thank you, Ms. Zhao.

17 MR. RUECKHEIM: Your Honor, Mike Rueckheim,
18 again, on behalf of Micron.

19 So I'm glad we're getting pretty close here
20 out of a list of eight -- it looks like eight topics
21 with multiple subparts down to a narrow set. And the
22 good news is we -- there's no impasse. We're happy to
23 produce and search for the information, which we have
24 been doing.

25 As far as the statement that Netlist needs

1 both interrogatories and documents for these requests, I
2 disagree. I think parties in litigation often just use
3 interrogatories for information such as financial
4 information. And primarily because the information
5 they're looking for is hard. It's all from these
6 databases, and the exhibit -- I think it's Exhibit B1 to
7 our interrogatory responses -- that exhibit is a big
8 Excel sheet that was taken from various databases. So
9 as far as getting the shipping record for each of the
10 products here that have been accused of infringing,
11 we're talking about a lot of discrete components and
12 records -- that sounds very difficult to me. And I'm
13 not sure it's necessary. But this is the first, you
14 know, occasion that we've had that really discussed the
15 factor as to why the interrogatory response itself --
16 which, of course, is verified as a signed pleading --
17 would be somehow insufficient.

18 But we're very happy to update that
19 interrogatory response as far as shipping location --
20 where the product is shipped from. The request for
21 location of the individual Micron employees who are
22 involved with each one of these transactions sounds
23 harder. That's been something we've been looking for --
24 we know it's harder. Again, it is something we've been
25 looking for as far as documents, but we can update the

1 interrogatory. That's probably the best way or through
2 deposition to provide that information.

3 And then cost and profit margin, of course,
4 we want to collect that information. We are collecting
5 that information and hope to do so very soon.

6 THE COURT: Mr. Rueckheim, I can start this
7 off by expressing a little bit of frustration that on
8 the eve of the hearing we're still hearing that this is
9 in the process of being produced. And I see in your
10 briefing that you have talked about the fact that we
11 haven't yet reached the date for the -- what is the term
12 I'm looking for?

13 MR. RUECKHEIM: The substantial completion of
14 document production?

15 THE COURT: Yes. Substantial completion.

16 And I, perhaps, don't understand that date
17 the way you do. I don't think that it is the goal to
18 deliver the discovery just before the date for
19 substantial completion of discovery. And it does appear
20 that what we're talking about here is a set of
21 requests -- admittedly a large set -- but still a set
22 that was served seven months ago.

23 Why are we just now having such urgency to
24 complete this production?

25 MR. RUECKHEIM: Your Honor, my best answer is

1 going to come off as an excuse. I'm going to say that
2 right off the bat. But we've been working hard. It
3 was -- the initial request was 163 topics. Each of
4 them, as your Honor has seen, has multiple subtopics.
5 And now we're down to a very narrow set of those. We've
6 produced already throughout the litigation interrogatory
7 responses. We've produced 60,000 pages of documents.

8 I actually looked. I've received since that
9 letter hundreds of e-mails. I counted. It was more
10 than 300 e-mails from opposing counsel over the last few
11 months as to various -- not all dealing with these
12 production issues, of course, but dealing with a number
13 of different topics. So we've been busy. We've been
14 trying to collect this information. And we're down to
15 right now -- I think everybody would agree -- the kind
16 of information that is hardest to find at these larger
17 organizations. That is the people who are overseas who
18 are associated with each sale of these accused products.

19 THE COURT: Well, I am assuming that their
20 interest in this discovery has to do with whether or not
21 they can establish that these products are within the
22 jurisdiction in terms of a damage analysis. And,
23 obviously, to the extent that you're stipulating that,
24 I -- it would seem to me that they should be willing to
25 obviate the need for that. So I assume that what

1 they're pursuing here are documents relating to sales
2 that the defendant contends are not subject to the
3 jurisdiction of the court; is that right?

4 MR. RUECKHEIM: So I don't know that, your
5 Honor. I don't think there's any argument here as to
6 extraterritorial sales. What they're looking for is
7 information as to how the sales process occurs, who are
8 the people who are involved, I think, from Micron sales
9 as far as negotiating the contracts. That's the
10 information that I understand is still at issue.

11 But we've given the customer name to -- in
12 their motion, they've mentioned they want the customer
13 names in order to potentially pursue third-party
14 discovery. And so those names are there. They have
15 been provided. The revenue associated with each
16 customer, the transaction dates that the sales were
17 made -- all that information is provided. But as far
18 as -- and we're -- even in the short-term, we're more
19 than happy to provide the description of what the sales
20 process is at Micron, but as far as tying each of these
21 hundreds of transactions to a specific person, that's
22 hard.

23 And so we've gathered a lot of information
24 since even the motions have been filed and produced it.
25 And we've traveled out to Micron's Boise facility

1 on-site to sit down with these people and see what we
2 can do to fast-track it, even before this substantial
3 data document production is completed. That's an
4 ongoing process. We're trying to get it done because we
5 want to reduce any kind of burden here for the Court.

6 THE COURT: All right. Just so I'll
7 understand then, you have indicated that you are willing
8 to provide the discovery sought. So I assume it is a
9 question of resolving the schedule, the time frame.

10 MR. RUECKHEIM: The time frame from when we
11 can collect and produce this information. I think
12 that's really the issue at stake here. We're not at
13 impasse. We're not saying no. We're trying to gather
14 this information to the extent it exists in documents.
15 And, if not, it seems like it'd be something that would
16 be appropriate for our interrogatory, maybe, update.
17 But, regardless, the sufficiency of information, we
18 could talk about at some later point, but we're not
19 saying no to providing the information, no, sir.

20 THE COURT: All right. So are you proposing
21 a resolution of this motion?

22 MR. RUECKHEIM: Yeah. I think -- yes, sir.
23 I think your Honor can maybe hold the motion. Dismiss
24 the motion without prejudice, but allow the process to
25 complete. As we stated in our responses, we're hopeful

1 to beat the substantial production date. I think some
2 of these requests have been shifting, even since the
3 beginning motion to the joint status report, as far as
4 pricing decisions. But when it comes down to the four
5 categories that are listed -- cost, profit margin --
6 shipping country we can do right off the bat. But cost
7 and profit margin and location of Micron employees who
8 are involved with these negotiations are harder. I want
9 to get it out the door tomorrow. I can't, but I want to
10 get it as soon as possible.

11 THE COURT: Well, the substantial completion
12 date, as I recall, is next week.

13 So you are saying you do feel you can commit
14 to have it delivered by then?

15 MR. RUECKHEIM: I think -- I'm more cautious
16 about the cost and profit margin and the location of
17 each of the Micron employees, but I know I can give some
18 information that would probably be helpful in an
19 interrogatory response as to how this sales process
20 occurs, which may just resolve the issues before then.

21 As far as identifying the specific people, I
22 think that's going to take more time for each
23 transaction, but maybe -- maybe I'm wrong. Maybe I can
24 do a group and Netlist will say, you know what, that's
25 going to be sufficient, if we tell them where that

1 group's at. But the cost and profit margin, that's
2 another one that really just requires multiple visits
3 with the financial people. That process is ongoing, but
4 I don't have it in front of me. And so I hate saying by
5 next Tuesday or Wednesday -- I don't know what date the
6 7th is -- I'm going to have it at that point.

7 But we're not waiting until September, right?
8 September is the close of fact discovery. And they
9 really need it for expert reports around that deadline.
10 So we're not talking months out. We're talking a few
11 weeks.

12 THE COURT: All right. And we have been
13 talking about this Category No. 1 that is referred to in
14 plaintiff's motion to compel.

15 Is -- are your remarks similar for Nos. 2
16 through 4 and 6, which are the other ones still at
17 issue?

18 MR. RUECKHEIM: Well, it'd be nicer to know
19 if there's a reduced subset because these Categories 2,
20 3, 4, and 6 are pretty lengthy. And there's a lot of
21 overlap. When I look at, let's say, Request No. 3, it's
22 discussing the identity of each party involved, the
23 ship-to location, the ship-from location. So these are
24 the same topics that we were just discussing; where the
25 products are manufactured, who was involved with the

1 negotiations. And so it would be nicer to see -- to
2 avoid having a dispute later on and saying what we
3 produced is not sufficient, to have that narrowed down.
4 But we are trying to collect the information here.

5 I think six is a little ambiguous, what
6 they're even requesting. Six relates to the calculation
7 of actual attachment rates and conveyed sales. I mean,
8 it's pretty lengthy. But we're trying to collect the
9 documents in good faith, and if we produce information
10 that Netlist says is insufficient, we could probably
11 meet and confer and see if we have a dispute at that
12 point. Hopefully, we can collect more information.

13 THE COURT: All right. If there is something
14 in particular that you want to call out as being
15 unnecessary or duplicative, unduly burdensome, that sort
16 of a thing, I'm open to hearing about that.

17 Are you in a position to discuss those
18 specifically?

19 MR. RUECKHEIM: Well, I've actually never
20 been at a motion to compel where there's been this many
21 topics and subparts at issue. Usually, the parties have
22 had these discussions and they have the meet and confers
23 and were able to take it down somewhat. And from what
24 I'm hearing from counsel, it seems like there may be a
25 dispute as to the information in the interrogatory that

1 we've already produced being sufficient. I disagree
2 with that. I mean, I don't understand why we need --
3 you know, attorney documents are interrogatories and
4 the documents -- seems like a lot of work for everybody
5 that's unnecessary.

6 So those are it. And then if we get to a
7 point where Netlist says the information we produce --
8 for example, with regard to customer identity that we've
9 already produced -- doesn't meet any of these specific
10 requests, then they should give me a call and we can
11 have a conversation.

12 And I told Mr. Sheasby before he left,
13 I'm the "yes man." I'm trying to get him what he wants,
14 and hopefully we can get there. We told them that
15 before they filed the motion; that I was going to fly
16 out to Boise, Idaho, and collect this information. And
17 we did.

18 THE COURT: All right. Well, thank you,
19 Mr. Rueckheim.

20 Let me talk with Ms. Zhao a little more about
21 how we should proceed.

22 MS. ZHAO: Your Honor, can I clarify a point
23 about Item No. 1, the sales documents or rog response?
24 So it's our position that we are seeking documents
25 within the ordinary business record of the defendants.

1 We're not trying to seek things beyond the scope of
2 federal rules of civil procedure.

3 So to the extent there's something --
4 document production sufficient to address this issue
5 under the rule, we're happy to take that. The reason I
6 raise rog response information as being insufficient is
7 only because it's the defendants in response to our
8 motion telling us they provided those information --
9 types of information we requested through their rog
10 response. So my point is the rog response is
11 insufficient.

12 THE COURT: All right.

13 MS. ZHAO: And it can't be a replacement of
14 the document production.

15 But, again, we're happy to take whatever is
16 within the scope of the federal rules of procedure. So
17 if document production is sufficient, we do not need to
18 overly burden opposing counsel or defendants to produce
19 rog responses.

20 THE COURT: Well, Ms. Zhao, what I'm hearing
21 from Mr. Rueckheim is that they are not disputing what
22 you're seeking. They're dealing with the logistical
23 difficulties of gathering it, and they have some
24 questions about scope and the like that they want to
25 discuss.

1 Do you have any opposition to the idea of
2 setting a hearing down a little farther back to give
3 more time for the parties to pursue the discussions that
4 Mr. Rueckheim is talking about?

5 MS. ZHAO: Let me clarify the -- how we get
6 here first, your Honor, if I may. So we served original
7 letter in November. And then we followed up with
8 specific discovery later, like identifying the
9 deficiencies multiple times. We didn't submit them
10 because of the limitation of exhibit pages, but we did
11 lay out the timeline in our motion. And, repeatedly, we
12 asked them to confer, but we never heard an objection
13 with respect to the relevance or the scope of the
14 request. That's why we put exactly what we requested in
15 a motion because it's our belief that opposing counsel
16 didn't raise any objections.

17 But I understand that in some of those
18 requests might have overlaps, but not exactly as the way
19 opposing counsel identified. To give you an example,
20 like Item 1 is about sales records, but Item 3 is
21 actually about contract agreements. So those are two
22 different categories of documents. With that, we'd
23 still be happy to talk through this to try to figure out
24 what's the better scheduling plan or any specific ways
25 to narrow some of the requests so -- if your Honor

1 decides to hold the motion for a certain time. But we
2 do want to -- to go back to the earlier point, some of
3 the requests are very -- specific target to find out
4 information of products they sold in different countries
5 and foreign sales. You know, we need that specific
6 information to serve subpoenas to move our third-party
7 discovery before the close of fact discovery in
8 September. It's not that far away. Only slightly more
9 than three months later. So we have a relatively short
10 timeline, especially if some of these entities are
11 foreign entities.

12 And we want to note the rog responses to
13 provide us -- didn't give us the complete information
14 for us to get to those entities because they only gave
15 us customers they believe purchased the products in the
16 United States. Those -- shouldn't be any doubt that
17 those are U.S. sales and profit bases for a damages
18 calculation, but they didn't give us the information of
19 the actual parties we need to seek third-party discovery
20 from.

21 THE COURT: Well, it does seem to me that
22 under the circumstances we would benefit from allowing
23 more time for the parties to confer and see if this
24 dispute can be narrowed.

25 You understand better than I do, Ms. Zhao,

1 what your needs are in terms of next steps in this case.
2 I can give you another hearing in two weeks or
3 three weeks or give me an idea about the time frame that
4 you think would be helpful.

5 MS. ZHAO: I am just thinking on the spot. I
6 apologize for the pause.

7 Do you mind excusing us for a couple minutes
8 so we can discuss with each other to see the schedule
9 and see whether we can set up some timeline?

10 THE COURT: All right. We'll take a short
11 recess now. We'll check on you in a few minutes.

12 MS. ZHAO: Thank you, your Honor.

13 (A recess was taken at this time.)

14 THE COURT: Thank you. Please be seated.

15 MR. RUECKHEIM: Your Honor, I believe we have
16 a recommendation for the Court to continue the hearing
17 for three weeks. And during that time period, Micron is
18 going to work to reduce all of the issues here in
19 dispute. And then the parties are committed to working
20 together to meet and confer during that time period if
21 other things come up with respect to that production
22 either through interrogatory responses, document
23 productions, or whatever. Anything we produce to help
24 resolve this issue.

25 THE COURT: All right. Have you talked to

1 Ms. Andrews yet about a date or --

2 MR. RUECKHEIM: We have not.

3 MS. ZHAO: Your Honor, just to clarify, by
4 reducing the disputes between the parties, Micron agreed
5 to make its best effort to complete the production in
6 response to the currently disputed items. And the
7 parties agree to make the best effort to meet and confer
8 to narrow the scope further.

9 THE COURT: All right. Well, thank you,
10 Ms. Zhao.

11 We have several days in that week of June the
12 19th. June the 19th being a federal holiday now.
13 And -- but if you would consult your calendars and let
14 Ms. Andrews knows which of the days that week works best
15 for you, then we will put that in the minutes as the
16 date for the continuation of this hearing.

17 MS. ZHAO: Are we allowed to submit later
18 this afternoon after talking to local and lead counsel?

19 THE COURT: Yes. That is fine with me. As
20 long as -- as long as you can hopefully reach an
21 agreement on that.

22 And, Mr. Rueckheim --

23 MR. RUECKHEIM: Yeah. I'm sure we can reach
24 an agreement. I actually have a deposition on the 21st
25 and 22nd, but I bet we could figure out either before or

1 the Friday after. The 23rd would be perfect.

2 THE COURT: All right. We have time on the
3 30th as well that we could do it.

4 MR. RUECKHEIM: I have no depositions on the
5 30th. The 23rd or the 30th --

6 THE COURT: I'm sorry. I meant to say the
7 23rd. I do have time on the 23rd to do it. I have a
8 trial the following week, but -- it will be over by the
9 30th for sure. But I'm fine with you letting us know
10 and see if you can agree, and we'll pick this up again
11 then.

12 If you -- I would also ask that you file a
13 joint notice by the day before the hearing, whichever
14 day that may be, advising the Court what remains of your
15 motion.

16 MS. ZHAO: Understood.

17 MR. RUECKHEIM: Understood, your Honor.

18 Thank you, your Honor.

19 (Proceedings adjourned at 2:44 p.m.)

20 * * *

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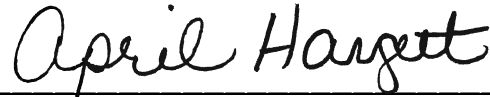
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COURT REPORTER'S CERTIFICATION.

I hereby certify that on this date,
June 1, 2023, the foregoing is a correct transcript of
the record of proceedings in the above-entitled case.



APRIL D. HARGETT
Certified Realtime Reporter
Eastern District of Texas
Beaumont, Texas